THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.24419 of 2005

Date:20.12.2005

APSRTC Staff & Workers Union.

--------PETITIONER

The Government of Andhra Pradesh and others.

---------RESPONDENT

ORDER:

The petitioner is one of the Trade Unions of the Employees of APSRTC. It feels aggrieved by the orders of the Government of Andhra Pradesh in G.O.Ms.No.153, Transport, Roads & Buildings (Tr.II) Department, dated 21.07.2005. The petitioner contends that the APSRTC, 2nd respondent herein, had undertaken an exercise in the year 2003 to recognize the majority unions of its employees and therein, respondents No.4 emerged as the recognized unions. The grievance of the petitioner is that the recognition that had accrued to respondents 3 and 4 was to be in force till 11.08.2005 and that at the fag end of this term, the 1st respondent had included respondents 3 and 4 in the Board of Management of the Corporation. It is also represented that a fresh exercise of recognition of majority unions is in the process and on account of the impugned order, the respondents 3 and 4 are likely to steal march over the others.

The 4th respondent filed a counter affidavit narrating the circumstances, under which it came to be recognized as the majority union. It is stated that in the secret ballot held on 18.07.2003, it secured 45,553 votes, the 3rd respondent secured 55,611 votes, and the petitioner secured 424 votes. It is also alleged

that the inclusion of respondents 3 and 4 in the Board of Management of the Corporation was as per the policy adopted by the Government. They complain that the inclusion was delayed almost by two years.

Heard the learned counsel for the petitioner, the learned Government Pleader for Labour, the learned Standing Counsel for the Corporation and the learned Standing Counsel for respondent No.4.

It is not in dispute that respondents 3 and 4 have secured majority in the secret ballot conducted by the Corporation, for the purpose of conferring the benefit of recognized unions. It is in this context that they were included in the Board of Management of the Corporation. In a way, it can be said that the inclusion of respondents 3 and 4 was delayed almost by two years. Further, their inclusion is not going to be a permanent affair. In case, any other unions are declared as majority unions in the survey or ballot, that may be conducted for subsequent period, necessary steps need to be taken, in accordance with law. Therefore, this Court does not find any basis to interfere with the impugned order.

Hence, the Writ Petition is dismissed. It is, however, made clear that in case, the petitioner emerges as a majority union in the subsequent exercise, which is said to have already started, necessary steps need to be taken in the matter of constitution of the Board of Management of the Corporation. There shall be no order as to costs.

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20.12.2005

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